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CONFIRMATION NO. ATTORNEY DOCKET NO. FIRST NAMED INVENTOR 9230 FILING DATE MO-4857/LEA APPLICATION NO. KIRKOR SIRINYAN 10/02/1998 09/155,849 04/18/2002

7590 157 BAYER CORPORATION PATENT DEPARTMENT 100 BAYER ROAD PITTSBURGH, PA 15205

EXAMINER LEVY, NEIL S

PAPER NUMBER ART UNIT 1616

DATE MAILED: 04/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



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_	APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.	

EXAMINER PAPER NUMBER ART UNIT

DATE MAILED:

This is a communication from the examiner in charge of your application. COMMISSIONER OF PATENTS AND TRADEMARKS OFFICE ACTION SUMMARY Responsive to communication(s) filed on Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 D.C. 11; 453 O.G. 213. month(s), or thirty days, hichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause remover to respond within the period for response will cause to respond within the period for response will cause to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1400/C .136(a). ___ is/are pending in the application.)isposition of Claims is/are withdrawn from consideration. Claim(s) Of the above, claim(s) is/are allowed. is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction or election requirement. Claim(s) Claims_ **Application Papers** ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948. _____is/are objected to by the Examiner. _ is

approved

disapproved. ☐ The drawing(s) filed on _ ☐ The proposed drawing correction, filed on ___ ☐ The specification is objected to by the Examiner. ☐ The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d). ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received. ☐ received in Application No. (Series Code/Serial Number) _ received in this national stage application from the International Bureau (PCT Rule 17.2(a)). *Certified copies not received: _ ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e). Attachm nt(s) ☐ Notice of Reference Cited, PTO-892 ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). ___ ☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 .. farmal Datant Application PTO-152

Art Unit: 1616

Receipt is acknowledged of amendment of 1/15/02.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ackerman EP 0029626.

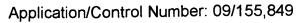
The rejection of record is maintained.

See p. 2, (b) the pyrethroid is distributed and adsorbed on the carrier.

Applicant's arguments filed 1/15/02 have been fully considered but they are not persuasive. Applicants' arguments have been considered. Ackerman did not specify Ti O₂, Al₂O₃, M_g O or silica as carrier; steps of preparation to distinguish from Ackerman and from the instant carrier with free particulate cyfluthrin would distinguish.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 1616

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil Levy whose telephone number is 308-2412. The examiner can normally be reached on Tuesday- Friday 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jose Dees can be reached on 308-4628. The fax phone numbers for the organization where this application or proceeding is assigned are 305-4556 for regular communications and 305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Levy:mv April 5, 2002

> NEIL'S LEVY PRIMARY EXAMINER

Mentlers